



28 U.S.C. § 1333. On August 19, 2016, Judge Fallon issued an Order & Reasons holding, after due consideration, that the Contracts at issue in both lawsuits are non-maritime and that subject matter jurisdiction does not exist under 28 U.S.C. § 1333. A copy of Judge Fallon's Order & Reasons is attached as Exhibit A.

Under the doctrine of *res judicata*, the Eastern District of Louisiana's ruling is dispositive of the motion to dismiss pending in this Court and requires dismissal. The test for *res judicata* contains four elements: "(1) the parties are identical or in privity; (2) the judgment in the prior action was rendered by a court of competent jurisdiction; (3) the prior action was concluded by a final judgment on the merits; and (4) the same claim or cause of action was involved in both actions."<sup>1</sup> Because all four elements are met here, Castleton's assertion of admiralty subject matter jurisdiction is precluded by the Eastern District of Louisiana's holding that the Contracts at issue are non-maritime. Specifically: (1) the parties to this lawsuit and the Louisiana action are identical; (2) the U.S. District Court for the Eastern District of Louisiana was competent to evaluate and rule on subject matter jurisdiction over the Contracts before it; (3) Judge Fallon's ruling that the court lacked subject matter jurisdiction due to the non-maritime nature of the Contracts is a judgment on the merits as to Castleton's assertion of admiralty jurisdiction<sup>2</sup>; and (4) Castleton's claims in the instant suit are identical to the claims that were asserted in the Louisiana action.

---

<sup>1</sup> *Frank V. Minvielle LLC v. Atl. Refining Co.*, 337 Fed.Appx. 429, 434-35 (5th Cir. 2009).

<sup>2</sup> *See, e.g., Ins Corp. of Ireland v. Compagnie Des Bauxites De Guinee*, 456 U.S. 694, 702 n. 9, 102 S.Ct. 2099, 72 L.Ed. 492 (1982) ("It has long been the rule that principles of *res judicata* apply to jurisdictional determinations – both subject matter and personal."); *Minvielle*, 337 Fed. Appx. at 435 ("Although the dismissal of a complaint for lack of jurisdiction does not adjudicate the merit so as to make the case *res judicata* on the substance of the asserted claim, it does adjudicate the court's jurisdiction, and a second complaint cannot command a second consideration for the same jurisdictional claims.").

Accordingly, because the jurisdictional challenge raised in HSL Shipping's Motion to Vacate & Dismiss has been resolved on the merits, and because that decision is res judicata between the parties here, HSL Shipping respectfully urges the Court to dismiss this action without further consideration.

Respectfully submitted,

CHAFFE MCCALL, L.L.P.

*/s/ Harold K. Watson*

---

**HAROLD K. WATSON**

**Attorney in Charge**

State Bar No. 20938500

Federal Bar No. 4345

Email: [watson@chaffe.com](mailto:watson@chaffe.com)

**Daniel A. Tadros**

Federal Bar No. 338713

801 Travis Street, Suite 1910

Houston, Texas 77002

Telephone: (713) 546-9800

Facsimile: (713) 546-9806

and

**Alan R. Davis**

Louisiana Bar No. 31694

Admitted PHV: August 11, 2016 (DE 47)

Email: [davis@chaffe.com](mailto:davis@chaffe.com)

1100 Poydras Street, Suite 2300

New Orleans, Louisiana 70163

Telephone: (504) 585-7088

**ATTORNEY FOR DEFENDANT, HSL  
SHIPPING & LOGISTICS (NA) INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this 23<sup>rd</sup> day of August, 2016, served a copy of the foregoing pleading on counsel for all parties to this proceeding by ECF Filing, and have provided a copy by e-mail or U.S. Mail to all parties not registered for ECF filing.

/s/ *Harold K. Watson*

Harold K. Watson